

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	John F. Grady	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	01 C 3251	DATE	12/29/2003
CASE TITLE	Chicago Printing Company v. Heidelberg USA, Inc.		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

MOTION:

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DOCKET ENTRY:

(1)	<input type="checkbox"/>	Filed motion of [use listing in "Motion" box above.]
(2)	<input type="checkbox"/>	Brief in support of motion due _____.
(3)	<input type="checkbox"/>	Answer brief to motion due _____. Reply to answer brief due _____.
(4)	<input type="checkbox"/>	Ruling/Hearing on _____ set for _____ at _____.
(5)	<input type="checkbox"/>	Status hearing[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
(6)	<input type="checkbox"/>	Pretrial conference[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
(7)	<input type="checkbox"/>	Trial[set for/re-set for] on _____ at _____.
(8)	<input type="checkbox"/>	[Bench/Jury trial] [Hearing] held/continued to _____ at _____.
(9)	<input type="checkbox"/>	This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to] <input type="checkbox"/> FRCP4(m) <input type="checkbox"/> Local Rule 41.1 <input type="checkbox"/> FRCP41(a)(1) <input type="checkbox"/> FRCP41(a)(2).
(10)	<input checked="" type="checkbox"/>	[Other docket entry] Defendant's motion for partial summary judgment on the issue of punitive damages is denied. Plaintiff's motions for sanctions under Rule 11 and 28 U.S.C. § 1927 are denied. ENTER MEMORANDUM OPINION & ORDER.
(11)	<input type="checkbox"/>	[For further detail see order (on reverse side of/attached to) the original minute order.]

<input type="checkbox"/> No notices required, advised in open court. <input type="checkbox"/> No notices required. <input checked="" type="checkbox"/> Notices mailed by judge's staff. <input type="checkbox"/> Notified counsel by telephone. <input type="checkbox"/> Docketing to mail notices. <input type="checkbox"/> Mail AO 450 form. <input type="checkbox"/> Copy to judge/magistrate judge.	courtroom deputy's initials	18003 1011510 U.S. DISTRICT COURT CLERK 03 DEC 29 PM 10:30 FILED-ED 10	number of notices	Document Number 148
			DEC 31 2003 date docketed	
			15 docketing/deputy initials	
			date mailed notice	
			mailing deputy initials	
Date/time received in central Clerk's Office				

December 29, 2003

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Chicago Printing Company,)
)
 Plaintiff,)
)
 v.)
)
Heidelberg USA, Inc.,)
)
 Defendant.)

No. 01 C 3251

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DEC 31 2003

MEMORANDUM OPINION & ORDER

The motion of the defendant for partial summary judgment on the issue of punitive damages is denied. The court has substantial doubt that the plaintiff will be able to make out a case for punitive damages, but the possibility is nonetheless sufficient to give us pause in regard to summary judgment. It will be better to await the developments at trial.

The court's primary concern is the corporate complicity doctrine. The basic misrepresentations made by Newlin, the salesman, concerning the condition and history of the press, were, as far as we can tell, not authorized by anyone in defendant's management. Nor does there appear to be evidence that anyone in defendant's management knew the misrepresentations were being made at or about the time they were made. We think, therefore, that corporate complicity will depend upon whether Newlin's misrepresentations were ratified by the later assurances given to plaintiff by defendant's managers. There is substantial merit to defendant's argument that these assurances were not

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sufficiently related to the original misrepresentations to be considered ratification and that, moreover, they are more in the nature of puffery than factual representations.

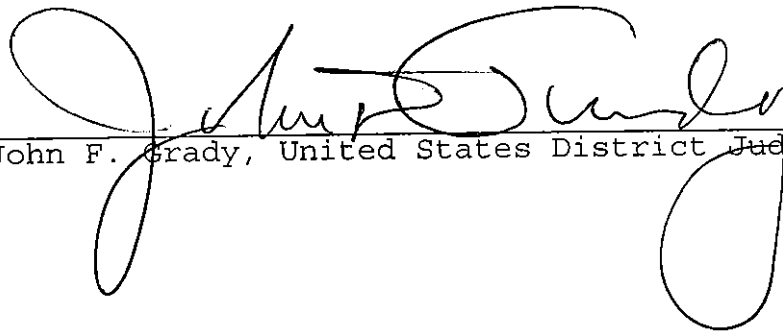
We have less doubt about whether Newlin's misrepresentations are sufficiently grievous to support an award of punitive damages. Each side can find support in some of the decided cases, but we think the answer is not so clear as to authorize judgment for defendant as a matter of law.

Because there is a real possibility that we will enter judgment for defendant on punitive damages after all of the plaintiff's evidence on the issue has been heard, the parties are directed to avoid mentioning the issue of punitive damages in their opening statements to the jury.

Plaintiff's motions for sanctions under Rule 11 and 28 U.S.C. § 1927 are denied. The defendant's arguments are not unreasonable.

DATE: December 29, 2003

ENTER;


John F. Grady, United States District Judge